

NOTICE OF ELECTION

THE STATE OF TEXAS

§

COUNTY OF GUADALUPE

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CITY OF CIBOLO

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TO THE RESIDENT, QUALIFIED VOTERS OF THE

CITY OF CIBOLO

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TAKE NOTICE that an election will be held in the City of Cibolo, Texas on November 3, 2015, CONCERNING THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$3,500,000 FOR STREETS, BRIDGES, AND SIDEWALK IMPROVEMENTS (INCLUDING IMPROVEMENTS TO BORGFELD ROAD), AND THE LEVYING OF A TAX IN PAYMENT THEREOF, ALL in obedience to an ordinance duly entered by the City Council of the City of Cibolo Texas on August 11, 2015, which ordinance reads substantially as follows:

ORDINANCE NO. 1135

**AN ORDINANCE CALLING A BOND ELECTION TO BE HELD
IN THE CITY OF CIBOLO, TEXAS; MAKING PROVISION FOR
THE CONDUCT OF A JOINT ELECTION; AND RESOLVING
OTHER MATTERS INCIDENT AND RELATED TO SUCH
ELECTION**

* * * * *

WHEREAS, the City Council (the *Council*) of the CITY OF CIBOLO, TEXAS (the *City*), located in Guadalupe County, Texas (the *County*), hereby finds and determines that an election should be held to determine whether the Council shall be authorized to issue general obligation bonds of the City in the amounts and for the purposes hereinafter identified (the *Election*); and

WHEREAS, the City will contract with the County's Election Administrator (the *Administrator*) to conduct all aspects of the Election; and

WHEREAS, the Election will be held jointly with other political subdivisions (such other political subdivisions, collectively, the *Participants*) for whom the County is also conducting their elections, as provided pursuant to the provisions of one or more joint election agreements or contracts among the City, the County, and the Participants, entered into in accordance with the provisions of Section 271.002, as amended, Texas Election Code, or other applicable law, pursuant to which the County will conduct all aspects of the Election on the City's behalf; and

WHEREAS, the Council hereby finds and determines that the necessity to construct various capital improvements within the City necessitates that it is in the public interest to call and hold the Election at the earliest possible date to authorize the issuance of general obligation bonds for the purposes hereinafter identified; and

WHEREAS, the Council hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the City; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS THAT:

SECTION 1. The Election shall be held in the CITY OF CIBOLO, TEXAS on the 3rd day of November 2015 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, and is not less than 71 days nor more than 90 days from the date of the adoption of this ordinance (the *Ordinance*), for the purpose of submitting the following propositions to the qualified voters of the City:

PROPOSITION

"Shall the City Council of the City of Cibolo, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$3,500,000 for the purpose of making permanent public improvements or other public purposes, to wit: providing streets, bridges, and sidewalks improvements (as well as necessary improvements incidental thereto), including designing, engineering, and constructing improvements to Borgfeld

Road, relocating utilities, street lighting, technology improvements, and signage, acquiring lands and rights-of-way necessary for streets, bridges, and sidewalks, and related landscaping, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?"

SECTION 2. The City election precincts hereby established for the purpose of holding the Election and the polling places hereby designated for holding the Election in the City election precincts are identified in Exhibit A to this Ordinance, and this Exhibit A is hereby incorporated by reference into this Ordinance for all purposes. At least 72 days prior to Election Day, the City, acting through the Mayor, the City Manager, or the designee thereof, in coordination with the Administrator (or the Administrator's designee), as necessary or desirable, will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election, together with any other necessary changes to election practices and procedures and can correct, modify, or change the Exhibits to this Ordinance based upon the final locations and times agreed upon by the Administrator, the City, and the Participants to the extent permitted by applicable law.

The Presiding Judge shall appoint not less than two resident qualified voters of the County to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code, as amended, or other applicable law, the appointment of these clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on Election Day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of the election precinct.

On Election Day, the polls shall be open as designated on Exhibit A.

The main early voting location is designated in Exhibit B to this Ordinance (which is hereby incorporated herein by reference for all purposes). The individual named as the Early Voting Clerk as designated in Exhibit B is hereby appointed as the Early Voting Clerk to conduct such early voting in the Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This main early voting location shall remain open to permit early voting on the days and at the times as stated in Exhibit B. Early voting shall commence as provided on Exhibit B and continue through the date set forth on Exhibit B, all as provided by the provisions of the Texas Election Code, as amended.

Additionally, permanent and/or temporary branch offices for early voting by personal appearance may be established and maintained in accordance with the Texas Election Code. In the event such permanent and/or temporary branch locations are established, information regarding the locations, dates, and hours of operation for early voting at these offices shall be determined by the Administrator, as identified in Exhibit B hereto.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The individual designated in Exhibit B as the Presiding Judge of the Early Voting Ballot Board is hereby appointed the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two resident qualified voters of the County to serve as members of the Early Voting Ballot Board.

SECTION 3. Electronic voting machines may be used in holding and conducting the Election on Election Day; provided, however, in the event the use of such electronic voting machines is not practicable, the Election may be conducted on Election Day by the use of paper ballots (except as otherwise provided in this section). Electronic voting machines or paper ballots may be used for early voting by personal appearance (except as otherwise provided in this section). Pursuant to Section 61.012, as amended, Texas Election Code, the City shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with laws of the State of Texas (the *State*) and applicable federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Any other legally-permissible voting methods may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail.

SECTION 4. The City shall also utilize a Central Counting Station (the *Station*) as provided by Section 127.001, et seq., as amended, Texas Election Code, as amended. The Administrator, or the Administrator's designee, is hereby appointed as the Manager and Presiding Judge of the Station and may appoint Station clerks and establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code, as amended. The Council hereby appoints the Administrator, or the Administrator's designee, as the Tabulation Supervisor and the Administrator, or the Administrator's designee, as the Programmer for the Station. Lastly, the Administrator will publish notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code, as amended.

SECTION 5. The official ballot shall be prepared in accordance with the Texas Election Code, as amended, so as to permit voters to vote "FOR" or "AGAINST" the aforesaid propositions which shall appear on the ballot substantially as follows:

PROPOSITION

"THE ISSUANCE OF NOT TO EXCEED \$3,500,000 OF CITY OF CIBOLO, TEXAS GENERAL OBLIGATION BONDS FOR STREETS, BRIDGES, AND SIDEWALK IMPROVEMENTS (INCLUDING IMPROVEMENTS TO BORGFELD ROAD), AND THE LEVYING OF A TAX IN PAYMENT THEREOF"

SECTION 6. All resident qualified voters of the City shall be permitted to vote at the Election, and on Election Day, such voters shall vote at the designated polling places. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, Chapters 1251 and 1331, as amended, Texas Government Code, and as may be required by any other law. All materials and proceedings relating to the Election shall be printed in both English and Spanish.

SECTION 7. A substantial copy of this Ordinance shall serve as a proper notice of the Election. This notice, including a Spanish translation thereof, shall be posted (i) at three public places within the City and at the City Hall not less than 21 days prior to Election Day, (ii) in a prominent location at each polling place on Election Day and during early voting, and shall be published on the same

day in each of two successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than 30 days, and not less than 14 full days prior to Election Day. In addition, during the 21 days prior to Election Day, the City shall, in a prominent manner, maintain such notice on its internet website.

SECTION 8. As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Texas Election Code, added by the 83rd Texas Legislature, the City, as of its fiscal year beginning October 1, 2014, had outstanding an aggregate ad valorem tax-supported principal amount of debt equal to \$40,475,000; the aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$14,885,768; and the City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.1709 per \$100 of taxable assessed valuation. Of the aforementioned City debt, the City considers \$3,800,000 and \$1,221,914 of that principal and interest, respectively, to be self-supporting debt payable from sources other than ad valorem taxes. The City estimates an ad valorem debt service tax rate of \$0.1937 per \$100 of taxable assessed valuation if the bonds that are subject of the Election are approved and are issued (taking into account the outstanding City bonds and bonds that are the subject of the Election, but not future bond authorizations of the City). This is only an estimate provided for Texas statutory compliance and does not serve as a cap on any City ad valorem debt service tax rate.

SECTION 9. The Council authorizes the Mayor, the City Manager, or their respective designee, to negotiate and enter into one or more joint election agreements and/or similar contracts or agreements with the County, acting by and through the Administrator, and any Participants if desired or required to comply with applicable law, as permitted and in accordance with the provisions of the Texas Election Code, as amended. In addition, the City authorizes the Mayor, the City Manager, or their respective designee to make such technical modifications to this Ordinance that are necessary for compliance with applicable State or federal law or to carry out the intent of the Council, as evidenced herein. To the extent that any duty or obligation of the City, in general, or any City official, in particular, is properly delegated to the County pursuant to a joint election agreement, then the County's carrying out those duties and obligations on the City's behalf pursuant to the terms of such joint election agreement shall be binding upon the City and are hereby determined by the Council to be evidence of the City's compliance with the provisions of applicable Texas law concerning the Election relative to the same.

SECTION 10. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 11. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 12. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 14. It is officially found, determined, and declared that the meeting at which this Ordinance was adopted was open to the public and public notice of the time, place, and subject matter of

the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 15. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Ordinance shall be effective immediately upon adoption.

YOU WILL, THEREFORE, take notice of all the matters and facts set out in the foregoing Notice of Election.

//s// Peggy Cimics
City Secretary
City of Cibolo , Texas

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EXHIBIT A

ELECTION PRECINCTS AND ELECTION DAY POLLING LOCATIONS

Election Day: Tuesday, November 3, 2015

Election Day Polling Locations open from 7:00 a.m. to 7:00 p.m.

City Election Precincts	County Election Precincts	Polling Places
1	301	Santa Clara City Hall 1653 N. Santa Clara Road Santa Clara, Texas
2	302	Marion Dolford Learning Center 200 W. Schlather Lane Cibolo, Texas
3	303	Schertz Elections Office 1101 Elbel Road Schertz, Texas
4	306	Crosspoint Fellowship Church 2600 Roy Richard Drive Schertz, Texas
5	403	Knights of Columbus Hall 509 Schertz Parkway Schertz, Texas
6	405; 410	St. John's Lutheran Church 606 S. Center Street Marion, Texas
7	406; 407	New Berlin City Hall 8815 FM 775 New Berlin, Texas
8	409	Elaine S. Schlather Intermediate School 230 Elaine S. Schlather Parkway Cibolo, Texas

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EXHIBIT B

**MAIN, PERMANENT BRANCH, AND TEMPORARY BRANCH
EARLY VOTING POLLING PLACES, DATES, AND TIMES**

Early Voting Clerk: Lisa Adam
Early Voting Clerk's address: P.O. Box 1346
Seguin, Texas 78156-1346

Presiding Judge of the Early Voting Ballot Board: Lisa Adam

Any voter who is entitled to vote an early ballot by personal appearance may do so at any Early Voting Site.

Location, Dates & Hours of Main Early Voting Polling Place

Seguin Elections Office
215 S. Milam Street
Seguin, Texas 78155

<u>Dates</u>	<u>Times</u>
Monday, October 19, 2015 through Friday, October 23, 2015	8:00 a.m. to 5:00 p.m.
Saturday, October 24, 2015	7:00 a.m. to 7:00 p.m.
Sunday, October 25, 2015	1:00 p.m. to 6:00 p.m.
Monday, October 26, 2015 through Friday, October 30, 2015	7:00 a.m. to 7:00 p.m.

Locations, Dates & Hours of Permanent Branch Early Voting Polling Places

<u>Location</u>	<u>Address</u>
Grace Memorial Church	3240 FM 725, New Braunfels, Texas
Central Texas Technology Center	Room 118 Conference Room, 2189 FM 758, New Braunfels, Texas
Schertz Elections Office Annex	1101 Elbel Rd., Schertz, Texas
New Berlin City Hall	9180 FM 775, New Berlin, Texas
Navarro ISD Central Office	6450 N. State Highway 123, Seguin, Texas

<u>Dates</u>	<u>Times</u>
Monday, October 19, 2015 through Friday, October 23, 2015	8:00 a.m. to 5:00 p.m.
Saturday, October 24, 2015	7:00 a.m. to 7:00 p.m.
Sunday, October 25, 2015	1:00 p.m. to 6:00 p.m.
Monday, October 26, 2015 through Friday, October 30, 2015	7:00 a.m. to 7:00 p.m.

Locations, Dates & Hours of Temporary Branch Early Voting Polling Place

Location

Navarro Intermediate School
(Cafeteria)

Address

300 Link Road, Seguin, Texas

<u>Date</u>	<u>Time</u>
Thursday, October 29, 2015	4:00 p.m. to 8:00 p.m.

Marion ISD Secondary Cafeteria 503 Bulldog Lane, Marion, Texas

<u>Date</u>	<u>Time</u>
Friday, October 30, 2015	4:00 p.m. to 8:00 p.m.

EARLY VOTING BY MAIL:

Applications for voting by mail should be mailed to be received no earlier than Friday, September 4, 2015 and no later than the close of business (5:00 p.m.) on Friday, October 23, 2015.

Applications should be mailed to:

Lisa Adam
Elections Administrator
P.O. Box 1346
Seguin, Texas 78156-1346